

CHAPTER 325
CITY CIVIC CENTER

S. F. 776

AN ACT to authorize certain cities to lease and operate a civic center and levy taxes therefor.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. When used in this Act, unless the context otherwise
2 requires:

3 1. "Building" may include the equipment thereof and the site upon
4 which located, not to exceed five (5) acres in size.

5 2. "Complex of buildings" means two (2) or more individual build-
6 ings located upon a single site not exceeding five (5) acres in size and
7 may include the equipment thereof and the site upon which located.

8 3. "Civic center" means a building or complex of buildings used
9 primarily as auditoriums, concert halls, music halls, opera houses,
10 theatres, sports arenas, field houses, exhibit halls, meeting rooms,
11 recreation rooms and convention halls, or any combination of such
12 primary uses, and may include parking facilities, either indoors or
13 outdoors, to the extent that such parking facilities are beneficial to
14 the successful operation of such building or complex of buildings for
15 such primary uses, and may also include restaurants and retail shops
16 to the extent that such facilities are beneficial to the successful oper-
17 ation of such building or complex of buildings for such primary uses,
18 provided that the space devoted to such restaurants and retail shops
19 is not currently needed for any of such primary uses, but under no
20 circumstances shall the amount of floor space devoted to such restau-
21 rants and retail shops exceed twenty (20) percent of the total floor
22 space of the building or complex of buildings being used as a civic
23 center.

1 SEC. 2. It is hereby found, determined, and declared that urban
2 living conditions in cities of more than ninety thousand (90,000) pop-
3 ulation create a need for certain recreational facilities not required by
4 municipalities of smaller size and that the operation of civic centers
5 by cities having a population of more than ninety thousand (90,000)
6 will promote the health, happiness, and general welfare of the inhabi-
7 tants of such cities and will be for a public purpose.

1 SEC. 3. Any city now having or hereafter attaining a population
2 in excess of ninety thousand (90,000), as determined by the most
3 recent certified and published general federal census, is hereby author-
4 ized and empowered to lease from any nonprofit corporation which is
5 then organized under or has then voluntarily adopted the provisions
6 of chapter five hundred four A (504A) of the Code and operate a
7 building or complex of buildings as a civic center, either within or
8 without its corporate limits; provided, that, no member, director, or
9 officer of such lessor nonprofit corporation shall be an official, officer,
10 or employee of such lessee city.

1 SEC. 4. Any such lease of a building or complex of buildings pur-
2 suant to the authority granted by this Act shall be for such period of

3 time, not to exceed thirty (30) years, as the governing body of such
4 city shall determine to be reasonable and proper, taking into account
5 the probable duration of the necessity for such lease. The lease shall
6 provide for such rental payments as the governing body of such city
7 shall determine to be reasonable and proper, taking into account the
8 value of the building or complex of buildings, the benefit to be de-
9 rived by such city and its inhabitants from the operation of such build-
10 ing or complex of buildings as a civic center, and the extent to which
11 and the terms upon which a building or complex of buildings adequate
12 to satisfy the needs of such city and its inhabitants is available or
13 unavailable from an alternative source. The lease may provide that
14 the cost of maintaining and repairing such building or complex of
15 buildings, including the cost of insurance and all taxes and assess-
16 ments levied against or on account of such property, shall be borne
17 by the lessor nonprofit corporation, in which event the cost thereof
18 may be taken into account in determining the lease rental payments,
19 or such lease may provide that the city will bear the cost of maintain-
20 ing and repairing such building or complex of buildings, including the
21 cost of insurance and all taxes and assessments levied against or on
22 account of such property. The lease may contain provisions permit-
23 ting but not obligating the city to renew such lease at the time of its
24 expiration for a period of time not exceeding twenty (20) years and
25 may contain provisions granting to the city an option to purchase
26 such building or complex of buildings, or any part of a complex of
27 buildings, but not obligating the city to exercise such option, and
28 any renewals of such lease may contain similar provisions. The rental
29 payments required to be made under such lease shall be for and in
30 consideration of the use and occupancy of the building or complex of
31 buildings and the continued quiet use and enjoyment thereof. The
32 lease shall not provide for the payment of any lease rentals until the
33 building or complex of buildings is completed and ready for occu-
34 pancy, but it may be executed prior to the actual construction of the
35 building or complex of buildings. The lease shall provide that during
36 any period in which there is a substantial interference with the use
37 of all or any portion of the building or complex of buildings by reason
38 of damage or destruction the rental payments required thereunder
39 shall be proportionately abated on a reasonable basis to be specified
40 in such lease, including total abatement of such rental payments dur-
41 ing any period in which there is a substantial interference with the
42 use of the entire building or complex of buildings by reason of dam-
43 age or destruction. The lease may provide that in the event of the
44 partial or total abatement of the rental payments as a result of dam-
45 age or destruction, such lease shall nevertheless continue in full force
46 and effect, the city and the lessor nonprofit corporation thereby waiv-
47 ing any and all rights to the contrary, and that the term of the lease
48 shall be extended by a period equal to the period during which the
49 rental payments were abated, which additional period may cause the
50 term of the lease as extended to run beyond the maximum term here-
51 inbefore specified. The lease shall provide that it will terminate if
52 substantially the entire building or complex of buildings is taken
53 under the power of eminent domain, but such lease may provide that
54 it will continue in full force and effect in the event that less than sub-

55 substantially the entire building or complex of buildings is taken under
56 the power of eminent domain, the city and the lessor nonprofit cor-
57 poration thereby waiving any and all rights to the contrary, in which
58 event the rental payments shall be proportionately abated on a reason-
59 able basis to be specified in such lease. The lease may contain an
60 agreement by the city not to condemn all or any portion of such build-
61 ing or complex of buildings for the same or any similar use. The lease
62 may contain an agreement by the city not to condemn all or any por-
63 tion of such building or complex of buildings for the same or any simi-
64 lar use. The lease may contain any additional agreements and provi-
65 sions as would customarily be included in the lease of a building or
66 complex of buildings.

1 SEC. 5. After the governing body of any such city has determined
2 that it will promote the health, happiness and general welfare of the
3 inhabitants of such city to lease a building or complex of buildings and
4 operate the same as a civic center, and after the terms of such lease
5 have been agreed upon, the governing body of such city shall call a
6 special election to vote upon the question of entering into such lease.
7 The proposition submitted to the voters at such election shall be in
8 substantially the following form:

9 "Shall the City of _____, Iowa, lease a building
10 (or complex of buildings) from _____ to be
11 operated as a civic center under the terms of a lease now on
12 file in the office of the city clerk (or recorder) of the City
13 of _____, Iowa?"

14 Notice of such election shall state the date of the election, the hours
15 of opening and closing the polls, the precincts and polling places there-
16 for and the proposition to be submitted, and such notice shall also con-
17 tain a brief summary of the principal terms of the proposed lease, a
18 general description of the building or complex of buildings and the
19 location thereof, a brief summary of the uses to which the building or
20 complex of buildings is to be devoted, the term of the lease, including
21 a reference to any provisions for renewal, the rental payments re-
22 quired to be made by the city under such lease, and whether or not
23 such lease contains provisions permitting the city to purchase such
24 building or complex of buildings. Such notice shall be published once
25 each week for at least four (4) consecutive weeks in a newspaper of
26 general circulation in the city, the last publication of such notice to
27 appear not less than five (5) nor more than twenty (20) days prior to
28 the date of such election. Such notice shall be sufficient and shall be
29 in lieu of the notice required by any other statute. The proposition of
30 entering into such lease shall be considered to be approved by the vot-
31 ers if the votes cast in favor of such proposition are equal to at least
32 a majority of the total number of votes cast for and against such prop-
33 osition at such election, and in the event of a favorable vote as afore-
34 said, such city shall be authorized to enter into such lease. If the
35 proposition of entering into such lease is not approved by the voters
36 as herein provided, such city shall not be authorized to enter into such
37 lease unless the voters of such city approve the same at a subsequent
38 election held as herein provided. When a proposition of entering into
39 a lease of a building or complex of buildings pursuant to authority
40 contained in this Act is disapproved by the voters at an election, no

41 subsequent election on a proposition of entering into the same or
42 any similar lease shall be held in such city on a date earlier than three
43 months from and after the date of the election at which such proposi-
44 tion was disapproved.

1 SEC. 6. Any such city which leases a building or complex of build-
2 ings for operation as a civic center is hereby authorized and empow-
3 ered to levy by resolution an annual tax on all the taxable real and
4 personal property in such city, exclusive of moneys and credits, in
5 amounts sufficient to pay the installments of rent required to be paid
6 under such lease as the same become due and to pay the costs of main-
7 taining and repairing such building or complex of buildings, including
8 the cost of insurance and all taxes or assessments levied against or
9 on account of such property, to the extent that the same are not in-
10 cluded in the lease rental payments. A certified copy of the resolution
11 shall be filed with the county auditor of the county in which such city
12 is located and the filing thereof shall impose a duty upon such county
13 auditor to enter such tax annually for collection, and such annual tax
14 shall be collected by the county treasurer as other taxes are collected.
15 The proceeds derived from such annual tax collections shall be depos-
16 ited in a separate and distinct fund to be used solely and only to pay
17 the cost of maintaining and repairing such building or complex of
18 buildings and to pay the installments of rent becoming due under such
19 lease and for no other purpose whatsoever; provided, that moneys on
20 hand in such fund and not currently needed for the authorized pur-
21 poses of such fund may be invested in accordance with the laws of the
22 state of Iowa regarding investment of public funds. Such annual tax
23 shall be in addition to all other taxes and shall not be included within
24 any statutory limitation as to rate or amount.

1 SEC. 7. Any such city which has leased and is operating a building
2 or complex of buildings as a civic center is hereby authorized and
3 empowered to impose and prescribe by resolution reasonable rates and
4 charges for the use of any or all of the facilities, products, and serv-
5 ices afforded by such civic center, including the parking facilities,
6 restaurants, and retail shops, and to revise such rates and charges
7 from time to time by resolution.

1 SEC. 8. Any such city which has leased and is operating a building
2 or complex of buildings as a civic center is hereby authorized and
3 empowered to sublease any portion of such building or complex of
4 buildings for operation consistent with the uses to which the building
5 or complex of buildings is devoted or to be devoted consistent with the
6 provisions of this Act, upon such terms and rentals as the governing
7 body of such city shall by resolution determine to be reasonable and
8 proper and for the best interests of such city and its inhabitants.

1 SEC. 9. The rental payments required to be made by any city
2 under the terms of a lease entered into pursuant to the provisions of
3 this Act and the cost of maintaining and repairing such building or
4 complex of buildings, including the cost of insurance and all taxes and
5 assessments levied against or on account of such property, shall be
6 payable solely and only out of the income derived from the operation
7 of such building or complex of buildings as a civic center and the

8 special annual tax herein authorized, and neither such special annual
 9 tax nor said lease nor the rental payments required to be made there-
 10 under nor any obligations incurred by the lessor nonprofit corporation
 11 shall be in any manner whatsoever a general obligation of such city
 12 or an indebtedness of such city within the meaning of any statutory
 13 or constitutional debt limitation.

1 SEC. 10. No action shall be brought questioning the legality of any
 2 lease entered into pursuant to authority contained in this Act more
 3 than three (3) months from and after the date of execution of such
 4 lease, and no action shall be brought questioning the legality of any
 5 levy of taxes authorized by this Act more than three (3) months from
 6 and after the date of filing of the resolution levying such taxes in the
 7 office of the county auditor.

1 SEC. 11. This Act shall be construed as granting additional powers
 2 to cities now having or hereafter attaining a population in excess of
 3 ninety thousand (90,000), as shown by the then most recent certified
 4 and published general federal census, without limiting the powers al-
 5 ready existing in such cities.

1 SEC. 12. If any one (1) or more sentences, clauses, phrases, pro-
 2 visions, or sections of this Act or the application thereof to any set of
 3 circumstances shall be held by final judgment of any court of compe-
 4 tent jurisdiction to be invalid, the remaining sentences, clauses,
 5 phrases, provisions, and sections hereof and the application of this
 6 Act to other sets of circumstances shall nevertheless continue to be
 7 valid and effective, all provisions of this Act being hereby declared to
 8 be severable.

Approved July 20, 1967.

This Act was passed by the G. A. before July 1, 1967.

CHAPTER 326

URBAN TRANSIT COMPANIES

S. F. 289

AN ACT relating to urban transit companies.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three hundred eighty-six C point one (386C.1),
 2 Code 1966, is hereby amended by striking from line two (2) the words
 3 "is one" and inserting in lieu thereof the words "means any person,
 4 firm, corporation, company, or municipality".

1 SEC. 2. Section three hundred eighty-six C point two (386C.2),
 2 Code 1966, is hereby amended by inserting in line eight (8) after the
 3 word "fund." the following:

4 "Any urban transit company operated by a municipality shall not be
 5 required to pay such registration fees. The motor vehicle department,
 6 in accordance with section three hundred twenty-one point nineteen